

**In the
Indiana Supreme Court**



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR VIGO COUNTY

Case No. 84S00-1306-MS-421

AMENDED ORDER APPROVING AMENDED LOCAL RULE

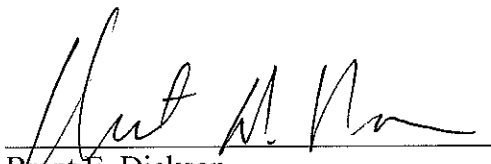
On May 16, 2013, this Court issued an Order approving an amended local rule for Vigo Circuit and Superior Courts. Inadvertently, the amended local rule attached to that Order was incomplete.

IT IS, THEREFORE, ORDERED by this Court that the Order of May 16, 2013 is amended, and in place of the local rule attached thereto, we substitute Vigo County Local Rule, LR84-CR2.2 Rule 2, set forth as an attachment to this Order. The amended local rule remains effective as of May 1, 2013. This Order and attachment shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Phillip I. Adler, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael Lewis, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807; the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael R. Rader, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. John Roach, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Clerk of the Vigo Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Vigo Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 12, 2013.


~~Brent E. Dickson~~
ACTING Chief Justice of Indiana

CR2.2 Rule 2 Criminal Case Assignments

(A) Except as provided in paragraph (F) and (G) below, the following rotation for felony cases, excluding Class D Felonies, is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, Superior Court Division 5, and Superior Court Division 6. All felony cases, excluding Class D Felonies, will be assigned on a rotating basis beginning with Division 1, then 3, then 5, and then 6, and is based upon the time of the occurrence of the offense.

(1) Offenses occurring between 12:01 A.M. of the first day of each month through midnight on the 9th day of each month will be assigned to Superior Court Division 1.

(2) Offenses occurring between 12:01 A.M. of the 10th day of each month through midnight of the 18th day of that month will be assigned to Circuit/Superior Court Division 3.

(3) Offenses occurring between 12:01 A.M. on the 19th day of each month through midnight of the 27th day of that month will be assigned to Superior Court Division 6.

(4) Offenses occurring between 12:01 A.M. of the 28th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 5.

(5) Notwithstanding the above rule, no Superior Court judge shall have more than one capital murder case pending at any one time except where multiple defendants are charged with capital murder arising out of a single episode.

(B) Assignment of Class D Felonies.

(1) Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

(2) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Vigo Superior Court Division 5.

(3) All other Class D Felonies shall be assigned to Vigo Superior Court Division 1, 3 and 6 on a rotating basis, beginning with Division 1, then 3, then 6, and is based upon the time of the occurrence of the offense.

(a) Offenses occurring from the first day of the month through midnight of the 10th day of the month will be assigned to Superior Court Division 1.

(b) Offenses occurring from 12:01 A.M. on the 11th day of each month through midnight of the 20th day of each month will be assigned to Superior Court Division 3.

(c) Offenses occurring from 12:01 A.M. on the 21st day of each month through the end of the month will be assigned to Superior Court Division 6.

(C) All criminal misdemeanor cases shall be assigned as follows:

- (1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Division 5.
- (2) All criminal misdemeanors arising out of domestic violence shall be assigned to Division 4.
- (3) All other misdemeanor offenses shall be assigned to Division 1, and 6 on a rotating basis. Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division 6

(D) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(F) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken, except for cases dismissed and transferred to Drug Court.

(G) With the exception of new causes of action covered under (B)(1), (B)(2), and (C) above, when a new cause of action is filed against a Defendant with an existing felony proceeding originally filed under subsection (A) or (B)(3) the new cause of action shall be assigned to the Court where the existing cause of action is pending.

(H) When a new cause of action is filed against a Defendant who is on probation or serving a direct commitment in a Community Corrections program as a result of a case originally filed under (A) or (B)(3) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.

(I) Change of Judge.

(1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned first to Superior Court Division 3, then to Superior Court Division 5, then to Superior Court Division 6; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 3, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned first to Superior Court Division 5, then to Superior Court Division 6 then to Superior Court Division 1; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned first to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated.

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(J) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court make such appointment.

(K) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.